

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MATTHEW SCOTT WHITE,

Petitioner,

vs.

ELDON K. MCDANIEL, *et al.*

Respondents.

3:10-cv-00803-HDM-RAM

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court following upon respondents' filing of copies of state court record materials in response to the Court's prior order (#5).

On a partial review, it is clear that the materials filed are incomplete and inaccurate.

First, the second half of the trial transcript is missing. In its place, in #11-10, instead is Exhibit 21B rather than 9B.

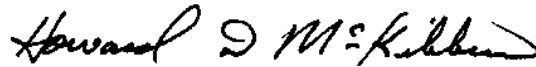
Second, respondents did not file a copy of the supplemental petition filed by appointed state post-conviction counsel on or about February 13, 2003. The prior order directed respondents to file a copy of, *inter alia*, "all papers filed by or on behalf of petitioner presenting state post-conviction claims in the state district court." #5, ¶ (g).

Third, the January 28, 2010, state district court order in Exhibit 22 is incorrectly listed as a January 28, 2003, order, seven years before it was actually issued.

The Court has not fully reviewed the remaining materials for completeness and accuracy. Counsel will be directed to conduct such a full review.

1 IT THEREFORE IS ORDERED that within thirty (30) days of entry of this order,
2 respondents' counsel shall file: (a) supplemental exhibits containing the missing Exhibit 9B
3 and the counseled supplemental state post-conviction petition; (b) an updated and accurate
4 index of all exhibits filed; and (c) a certification by counsel that he has reviewed all materials
5 filed and certifies to the Court that all materials directed by the prior order (#5) have been filed
6 herein, that all of the attachments filed on CM/ECF in this regard in fact either are as they are
7 labeled or have been corrected, and that the updated index of exhibits is accurate.

8 DATED: May 24, 2011.

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12 HOWARD D. MCKIBBEN
13 United States District Judge
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